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REMARKS/DISCUSSION OF ISSUES

In the Non-Final Office Action, Examiner D'Adamo rejected claims 11-13 and 17-25 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR §1.112:

- A. Examiner D'Adamo rejected claims 11, 12, 18 and 19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,179,737 to *Spakmun* et al.

The Applicant has thoroughly considered Examiner D'Adamo's remarks concerning the patentability of claims 11, 12, 18 and 19 over *Spakman*. The Applicant has also thoroughly read *Spakman*. To warrant this anticipation rejection of claims 11, 12, 18 and 19, *Spakman* must show each and every limitation of independent claims 11 and 18 in as complete detail as is contained in independent claims 11 and 18. See MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 11, 12, 18 and 19, because *Spakman* fails to disclose and teaches away from "wherein, in the assembled position, said cover includes at least one hook extending through said opening into said main body" as recited in independent claims 11 and 18, and "a cover slidable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening" as recited in independent claim 18.

Specifically, as best illustrated in FIGS. 1-4, an inventive principle by *Spakmun* is to connect a main body 1 and a cover 3 via lugs 13 and 15 of main body 1 and lugs 17 and 19 of cover 3 embracing a locking element 9, wherein lugs 13 and 15 of main body 1 extend away from an opening of main body 1 defined by aperture grooves 5 and 7 in a side wall of main body 1. See, *Spakman* at column 1, line 23 to column 2, line 55. As such, lugs 17 and 19 do not extend through and into the opening of main body 1.

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Furthermore, another inventive principle of *Spakman* is to arrange lugs 13, 15, 17 and 19 in a hinge-like manner in terms of how the lugs embrace locking element 9, but not to operate lugs 13, 15, 17 and 19 as a hinge that can move around locking element 9 whereby cover 3 is slewable relative to main body 1.

Withdrawal of the rejection of independent claim 11 under 35 U.S.C. §102(b) as being anticipated by *Spakman* is therefore respectfully requested.

Claim 12 depends from independent claim 11. Therefore, dependent claim 12 includes all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claim 12 is allowable over *Spakman* for at least the same reason as set forth with respect to independent claim 11 being allowable over *Spakman*. Withdrawal of the rejection of dependent claim 12 under 35 U.S.C. §102(b) as being anticipated by *Spakman* is therefore respectfully requested.

Claim 19 depends from independent claim 18. Therefore, dependent claim 19 includes all of the elements and limitations of independent claim 18. It is therefore respectfully submitted by the Applicant that dependent claim 19 is allowable over *Spakman* for at least the same reason as set forth with respect to independent claim 18 being allowable over *Spakman*. Withdrawal of the rejection of dependent claim 19 under 35 U.S.C. §102(b) as being anticipated by *Spakman* is therefore respectfully requested.

B. Examiner D'Adamo rejected claims 11-13 and 17-21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,676,175 to *Jaeb et al.*

The Applicant has thoroughly considered Examiner D'Adamo's remarks concerning the patentability of claims 11-13 and 17-21 over *Jaeb*. The Applicant has also thoroughly read *Jaeb*. To warrant this anticipation rejection of claims 11-13 and 17-21, *Jaeb* must show each and every limitation of independent claims 11-13 and 17-21 in as complete detail as is contained in independent claims 11 and 18. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of

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claims 11, 12, 18 and 19, because *Jaeb* fails to disclose and teaches away from "a cover movable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening" as recited in independent claim 11, "a cover slewable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening" as recited in independent claim 18, and "wherein, in the assembled position, said cover includes at least one hook extending through said opening into said main body" as recited in independent claims 11 and 18.

Specifically, as illustrated in FIGS. 1-3, an inventive principle of *Jaeb* is to have teeth 50 of lid 14 extend through lock openings defined by teeth 54 of base 12 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position. However, in direct contradiction to the aforementioned limitations of independent claims 11 and 18, a person still has access to the lock openings defined by teeth 54 of base 12 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position as best shown in FIGS. 3 and 8. This is unlike the storage opening of base 12 that is blocked by lid 14 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position, but teeth 50 of lid 14 do not extend into the storage opening of base 12 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position as required by the aforementioned limitations independent claims 11 and 18.

Claims 12, 13 and 17 depend from independent claim 11. Therefore, dependent claims 12, 13 and 17 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 12, 13 and 17 allowable over *Jaeb* for at least the same reason as set forth with respect to independent claim 11 being allowable over *Jaeb*. Withdrawal of the rejection of dependent claims 12, 13 and 17 under 35 U.S.C. §102(b) as being anticipated by *Jaeb* is therefore respectfully requested.

Claims 19-21 depend from independent claim 18. Therefore, dependent claims 19-21 include all of the elements and limitations of independent claim 18. It is therefore respectfully submitted by the Applicant that dependent claims 19-21 allowable over *Jaeb* for at least the same reason as set forth with respect to independent claim 18 being allowable over *Jaeb*. Withdrawal of the rejection of

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dependent claims 19-21 under 35 U.S.C. §102(b) as being anticipated by *Jaeb* is therefore respectfully requested.

- C. Examiner D'Adamo rejected claims 13 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,179,737 to *Spakman* et al. in view of U.S. Patent No. 4,148,105 to *Napaolitano*

Claim 13 depends from independent claim 11. Therefore, dependent claim 13 includes all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claim 13 is allowable over *Spakman* in view of *Napaolitano* for at least the same reason as set forth with respect to independent claim 11 being allowable over *Spakman*. Withdrawal of the rejection of dependent claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Spakman* in view of *Napaolitano* is therefore respectfully requested.

Claim 20 depends from independent claim 18. Therefore, dependent claim 20 includes all of the elements and limitations of independent claim 18. It is therefore respectfully submitted by the Applicant that dependent claim 20 is allowable over *Spakman* in view of *Napaolitano* for at least the same reason as set forth with respect to independent claim 18 being allowable over *Spakman*. Withdrawal of the rejection of dependent claim 20 under 35 U.S.C. §103(a) as being unpatentable over *Spakman* in view of *Napaolitano* is therefore respectfully requested.

- D. Examiner D'Adamo rejected claims 22-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,676,175 to *Jaeb* et al. in view of U.S. Patent No. 4,979,636 to *Daly*

The Applicant has thoroughly considered Examiner D'Adamo's remarks concerning the patentability of claims 22-25 over *Jaeb* in view of *Daly*. The Applicant has also thoroughly read *Jaeb* and *Daly*. To warrant this 35 U.S.C. §103(a) rejection of claims 22-25, there must be some suggestion or motivation to modify *Jaeb* in view of *Daly* as proposed by Examiner D'Adamo. See, MPFP

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§2143. The Applicant respectfully traverses this §103(a) rejection of claims 22-25, because *Jaeb* teaches away “wherein, in the locked position, said locking element extends through and into said main body and cooperates with said at least one elastically deformable hook to lock said main body and said cover in the assembled position” as recited in independent claim 22.

Specifically, as illustrated in FIGS. 1-3, an inventive principle of *Jaeb* is to have teeth 50 extend from a wall 52. The Applicant respectfully asserts that items in the security box of *Jaeb* would not be acceptably secured within the security box if teeth 50 and wall 52 were elastically deformable as proposed by Examiner D’Adamo, because a person would be able to insert a tool like a screwdriver in the accessible lock openings defined by teeth 54 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position as best shown in FIG. 3 to thereby easily pry the security box open.

Withdrawal of the rejection of independent claims 22 under 35 U.S.C. §103(a) as being unpatentable over *Jaeb* in view of *Daly* is therefore respectfully requested.

Claims 23-25 depend from independent claim 22. Therefore, dependent claims 23-25 include all of the elements and limitations of independent claim 22. It is therefore respectfully submitted by the Applicant that dependent claims 23-25 allowable over *Jaeb* in view of *Daly* for at least the same reason as set forth with respect to independent claim 22 being allowable over *Jaeb* in view of *Daly*. Withdrawal of the rejection of dependent claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over *Jaeb* in view of *Daly* is therefore respectfully requested.

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SUMMARY


Examiner D'Adamo's rejections of claims 11-13 and 17-25 have been obviated herein by remarks supporting an allowance of claims 11-13 and 17-25 over *Sparkman* and *Jach*. The Applicant respectfully submits that claims 11-13 and 17-25 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner D'Adamo is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **February 10, 2005**

Respectfully submitted,
Arnaud Fiegco

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